



**Contracting authority:** European Commission represented by the  
European Union Delegation to the Republic of Malawi

## **CHILUNGAMO II (Access to Justice) PROGRAMME**

### **Grant application form – Full application**

Budget line(s): **BGUE-B2022-14.020122-C1-INTPA**

Reference: **NDICI-AFRICA CRIS 2022/43257\_OPSYS ACT-60670**

Title of the action:	Access to Justice Programme - Chilungamo II
Name of the lead applicant	Ministry of Justice
Nationality of the lead applicant <sup>1</sup>	Malawi

Dossier No	
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(for official use only)

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<sup>1</sup> An organisation's statutes must show that it was established under the national law of the country concerned and that the head office is located in an eligible country. Any organisation established in a different country cannot be considered an eligible local organisation. See the footnotes to the guidelines for the call.

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# Full Application

## General information

Reference of the call for proposals	OPSYS ref.: ACT-60670
[Lot number you are applying to:]	N/A
Number of the proposal <sup>2</sup>	1
Name of the lead applicant	Ministry of Justice – Malawi
Title of the action	Chilungamo II (Access to Justice) Programme
Location of the action	The action shall be carried out in Malawi
Duration of the action	2024-2027

## 1.The action

### 1.1. Background

Malawi has a plural legal system made up of a formal system (courts, police, prisons, lawyers), informal system (made up of civil society organisations, faith-based organisations etc.), and a customary system overseen by customary and traditional leaders). Each creates its own challenges for those seeking access to justice.

Satisfaction with the formal justice system is also low: although the 2018 Justice and Democratic Accountability showed that while the number of people who believed the quality of justice services had increased between 2011 and 2018, the proportion of people who considered the justice system to be fair had decreased significantly since 2011 (from 70% to 54%). In addition to long distances to travel, the costs of using the formal system are beyond many people's reach, while the language used and procedures to be followed are unfamiliar, complex and difficult to comply with. As a result, most people in rural areas rely on the informal justice system when seeking justice that is far less complex, less expensive, and much closer to where people live.

The 2018 Democratic Accountability Survey showed that 94.5% of respondents were familiar with the informal justice system. Although only 15.6% had used it, around 80% indicated satisfaction with the delivery of justice in the informal justice system. Common disputes such as family matters and land disputes are mostly reported to village heads, group village heads, and family counsellors. But informal mechanisms are not without problems. Traditional authorities, CSOs, and other social structures work without much regulatory and supervisory direction, impacting mostly the poor and rural people. Customary systems in particular are often dominated by older men and known to discriminate against women and younger people seeking redress.

Magistrates Courts (which deal with most criminal and civil matters in the country) are presided over by Lay Magistrates that are inadequately trained and that have limited access to resources. Although falling under the control of the Director of Public Prosecutions, prosecutors in these courts are drawn from amongst police officers, most of whom are not lawyers (although significant numbers were trained under Chilungamo I). Courts are old and in need of repair, and court rolls are heavily congested as a result of inefficiencies throughout the system. In addition, while the law in Malawi allows for some level of diversion of minor criminal cases out of the system for resolution by mediation and allows courts to order compensation and restitution in appropriate cases, such provisions - that would help to reduce the burden on the entire system - are seldom used to their full potential.

Malawi also has no plea-bargaining system that would allow for cases to be speedily finalised without requiring a full and lengthy trial. And while the law allows for community service as an alternative to imprisonment or fines, the current system is problematic since it falls under the Judiciary that lacks the resources to properly monitor those serving community service orders rather than under properly resourced and managed probation officers under the control of Prisons. For those in detention, police stations and prisons are often decrepit, severely overcrowded, and lack essential supplies to provide for basic nutrition and hygiene needs. Prison overcrowding is also exacerbated by lengthy processes and delays in finalising criminal trials, a lack of access to lawyers, problems in securing the attendance of victims and witnesses at court, difficulties for courts to allow bail when accused people lack employment or formal residential addresses, limited alternative sentences to imprisonment, no functional parole system in Malawi, and people simply dropping off the system. Despite novel solutions like paralegals in prisons and camp courts (where the Judiciary, LAB, prosecutors and paralegals have collaborated held court inside prison) supported under various EU programmes have helped to reduce prison overcrowding in the past, the situation remains dire.

Vulnerable populations including women and child victims of crime have particular needs and face particular challenges when reporting sexual and other forms of violence to the police and during trials that make it difficult for them to participate fully during proceedings, leading to acquittals in many cases. Young offenders also face challenges in accessing legal assistance and are often detained in conditions that do not comply with international standards set out in the Convention on the Rights of the Child and elsewhere. Failure to detain young offenders separately from adults often leads to sexual and other forms of violence that violate their rights, but also exposes them to hardened criminals and leads them into lives of crime. The quality of justice in the criminal justice system for those that cannot afford representation or access legal aid is also challenging. The Constitution includes the right to legal representation at the expense of the State when in the interests of justice. In response, Government established an independent Legal Aid Bureau (LAB) in 2010.

Court user committees (CUCs) were first established by the Judiciary in 1996 and have been supported by the EU (including under Chilungamo I) to find solutions to practical problems on the ground. Chilungamo also facilitated the establishment of a Criminal Justice Coordinating Committee (CJCC) made up of senior members of all criminal justice institutions. But despite advances, coordination within the criminal justice system remains a challenge. Opportunities for coordination between the formal and informal systems are also not maximised. Diversion of minor criminal and civil matters out of the formal system for resolution by CSOs, village mediation committees and others have the potential to radically reduce the burden on the formal system, speed up trial processes, increase compliance with principles of restorative justice (including but

not limited to diversion, victim/offender mediation, compensation and restitution), contribute to a reduction in prison overcrowding, and reduce rates of recidivism. But while opportunities for coordination between the formal and informal systems in Malawi exist, such provisions are rarely used.

Malawi also has two independent, constitutionally established institutions that provide access to justice: The Malawi Human Rights Commission (MHRC) and Office of the Ombudsman (OoO). Not only are these key to holding government to account for human rights abuses, violations of rights to administrative justice and maladministration, but they are key role players when it comes to access to justice. Offering free services and with significant outreach in Malawi, they have the potential to provide redress for victims of rights violations even where the formal and informal systems may be beyond their reach. However, both the MHRC and OoO suffer from significant funding gaps, limited human and other resources, high staff turnover, and a lack of responsiveness from government. Despite the existence of oversight and accountability institutions like the OoO, MHRC, Police Professional Standards Unit, Independent Complaints Commission, Inspectorate for Prisons Services, and Judicial Service Commission, levels of corruption and abuse of rights are also prevalent in the criminal justice system.

## 1.2. Description of the Action

Under the Overall Objective of *improving humane and effective delivery of justice for all*, the Action intends to address these challenges related to limited access to justice, especially for those living in the most vulnerable and marginalised situations as well as human rights violations, gender inequality and gender-based violence and violence against children. The Action will focus on the attainment of two specific and related outcomes:

- (1) To enhance effectiveness of institutional framework to improve inclusive responsiveness of duty-bearers;
- (2) To improve access to justice for all by increasing demand for access to justice by all, especially women and people living in poverty.

Improved access to justice will be sought by improving people's capacity to demand for justice, their motivation to increasingly access and rely on justice institutions and at the same time the responsiveness of the justice providers. Activities in support to awareness raising and aiming at increasing the overall knowledge of the Malawi law and of the legal system at large will be combined with initiatives addressing major bottlenecks discouraging people to access justice and mainly focusing on reducing the cost of accessing justice and improving transparency and accountability in the system.

The Action builds on previous interventions in the justice sector and will continue to support justice reforms that **aim at long-term and sustainable solutions to systemic issues** with accessibility and effectiveness of key justice institutions. To this end, the Action will support institutional capacity building, gradual decentralisation of services and introduction and scaling up of innovative solutions such as alternative sentencing.

The Action will also support closer coordination within the sector, improving also the interaction between supply and demand side, ultimately supporting the development of a more accountable and transparent system. Increased transparency and inclusiveness of the justice system will also be pursued by supporting key institutions in strengthening their internal control and disciplinary mechanisms. Similarly, institutions with the mandate to investigate cases of injustice and human

rights abuses such as the Malawi Human Rights Commission (MHRC), the Malawi Police Service and the Office of the Ombudsman (OoO) will also be supported to continue playing an oversight role to ensure equal access to justice for people living in vulnerable situations.

This Action is implemented in direct management with the Government of Malawi. A Programme Management Unit (PMU) for the grant shall be appointed for the management and implementation of the grant by the Malawi Government, in agreement with the EU delegation. The PMU will be headed by the Key Expert who will report directly to the Solicitor General or his representative for the project and the EU delegation.

### **1.2.1. Applicants of the Grant**

The **Ministry of Justice (MoJ)** is the lead applicant and policyholder on all legal matters and obligations under international treaties, the coordinating Ministry for the Democratic Governance Sector and the lead applicant for this proposal. The co-applicants are the *Legal Aid Bureau, Malawi Police Services, Malawi Human Rights Commission, Malawi Prison Services, Office of the Ombudsman* and the *Judiciary*.

The lead applicant is the main interlocutor of the contracting authority. It represents and acts on behalf of the co-beneficiaries and coordinates the design and implementation of the action. The co-applicants are the co-beneficiaries following the award of the grant. Co-applicants have participated in designing and the costs they incur are eligible in the same way as those incurred by the lead applicant. The mandate of the MoJ is to provide legal services to the Government and its citizens. With this Action, MoJ will enhance its Performance Management, train investigators, prosecutors, and magistrates on handling cases of violence against women, girls, and children, as well as prosecute criminal cases related to gender-based violence.

MoJ will implement and monitor pre-trial custody time limits by applying diversion, conducting a justice and accountability baseline survey to measure the progress of interventions in the sector, and supporting operations of the management organs of the Democratic Governance Sector as Monitoring and Evaluation activities. It will further organize capacity building in land disputes, conduct sensitization sessions on the deceased estate's laws and practices, and organize stakeholder consultation workshops.

The **Judiciary** plays a crucial role in access to justice as it has jurisdiction over all issues of judicial nature. The Judiciary is led by the Chief Justice and made up of various courts. The High Court, immediately below the Malawi Supreme Court, has unlimited original jurisdiction in criminal and civil matters, in addition to powers to hear appeals from subordinate courts and exercise powers of review and revision, and confirmation in relation to the subordinate courts, where most criminal cases are dealt with and where both infrastructural, institutional and human capacity needs exist.

With this Action, the Judiciary trains its officers and staff members at the Judiciary Training Institute and conducts court circuits in hard-to-reach areas with non-functional courts. Judiciary improves the availability of platforms for Democratic Governance Sector stakeholders to jointly understand the challenges and opportunities in the administration of justice and allow for implementing targeted interventions and initiatives based on research findings. The Judiciary will continue organizing the meetings for the Criminal Justice Coordinating Committee (CJCC), which started during Chilungamo I, and conduct Camp courts, which have had positive results for final beneficiaries.

It will revise the case management system, install recording systems in High Court Registries, and Procure ICT equipment for record-keeping. The Judiciary will also rehabilitate a selected number of Magistrate Courts through the Judiciary's Maintenance Unit: Mulanje, Mwanza, Ntaja, Mchinji, Nkhotakota, Nsanje, Balaka, Phalombe, Bolero, and Chitipa Magistrate Courts.

The Malawi **Police Service** is the first point of contact for most of vulnerable people seeking justice. This Action includes support to training police prosecutors, investigators and Victim Support Unit (VSU) officers regarding crimes against women and children, plea bargaining and victims' rights. Existing accountability mechanisms and departments responsible for their implementation (as the Professional Standard Unit and the Independent Complaints Commission) also get support to fulfil their mandate.

With this Action, MPS rehabilitates selected Victim Support Units across the country and will train Victim Support Unit (VSU) officers in the management of Sexual and Gender-Based Violence (SGBV) in 42 stations. It will rehabilitate a Police Hostel (with a capacity of 192 officers) for female officers at Limbe Police Training School. MPS also provides training on gender mainstreaming and GBV cases for the following groups: (a) Officer In-charge Stations and Mobile Formations, Heads of Branches, Operation officers and Lines in-charge, (b) National and Regional HRM, R&P, Operations and women network Executive officers and rehabilitate female friendly washrooms at the seven Police Mobile Service formations. MPS furthermore conducts training for the Malawi Police Service Communications team/PROs/Radio Station Professionals on GBV Issues and case reporting.

**Legal Aid Bureau (LAB)** was established as an independent body under the Legal Aid Act (2010) and plays a significant role in access to justice by providing legal aid to the vulnerable and facilitating access to the formal justice system. However, it is severely underfunded and under-resourced with 25 lawyers and 36 paralegals serving the entire country.

The LAB has worked to expand its reach beyond the urban centres of Blantyre, Zomba, Lilongwe, and Mzuzu and, by end 2021, had opened offices or service centres in 13 districts and states that the "increased access to legal aid service has resulted in the Bureau recording over 30,000 cases and closed about 14,000 cases and having about 16,000 active cases since 2015".

With this Action, LAB will increase its legal representation and open seven new offices.

During the four years of the Action, LAB will increase access to legal aid services for vulnerable populations, improve access to justice for underserved communities, and increase the number of individuals receiving legal representation by 30%. This Grant will also raise public awareness of available legal services in various districts across the country, improve knowledge of legal rights, and increase the availability of legal aid.

**Malawi Prison Services'** (MPS) mandate is to house, detain and rehabilitate persons sentenced to imprisonment in whatever form such imprisonment may take. The main challenge is the congestion of the prisons, which presently house some 18,000 prisoners against a capacity of 7,000. This congestion is at times caused by high levels of un-sentenced prisoners and excessive pre-trial detention. A draft Prison Bill introducing a parole system, that would systemically reduce overcrowding, is to be tabled in Parliament. Prisons will get support for the implementation of the parole system and other measures aiming at decongestion and support to prisoners' reintegration in the society.

The Malawi **Human Rights Commission** (MHRC) is a key player when it comes to holding government to account for its commitments under international instruments as well as holding duty bearers to account for the promotion and protection of human rights. It is both an accountability institution and an access to justice institution that provides free services to those whose rights have been adversely affected.

This Action contributes to observance of human rights creating an enabling environment for people to realize their full social, economic and political development which leads to the achievement of economic growth and poverty reduction. It is in this vein that the MHRC came with the activities that will contribute to the overall objective of improving human and effective delivery of justice for all by addressing challenges related to human rights violations, gender inequality and gender-based violence, violence against children and limited access to justice, especially for those living in the most vulnerable and marginalized situations.

The constitutional and independent Office of the **Ombudsman** (OoO) is tasked with investigating all cases where it is alleged that a person has suffered injustice, and it does not appear that there is any remedy reasonably available by way of proceedings in a court or by way of appeal from a court or where there is no other practicable remedy. The office provides free services and has been crucial to providing access to justice for vulnerable people in both rural and urban areas. Due to the nature of the investigations of the OoO the Action will ensure that the office is empowered and is able to conduct its investigations independently.

### **1.2.2. Objectives and Expected Outcomes:**

The Overall Objective (Impact) of this Grant is to improve humane and effective delivery of justice for all, especially those living in marginalised and most vulnerable situations.

#### **The Specific Objectives (Outcomes) of this Grant are to:**

**SO1:** Enhance effectiveness legal and coordination frameworks of the key justice institutions

**SO2:** Improve access to justice for all, especially for the population living in the most vulnerable situations and women

**Specific Objective 1** (SO1) targets the supply side of justice in Malawi and, particularly, the formal justice system and independent national institutions established by the Constitution to provide access to justice for victims of maladministration and human rights violations. As identified in reviews and analyses performed under the previous Chilungamo Programme, justice institutions included under Chilungamo II suffer from institutional capacity gaps, yet few have institutional development plans in place. Gender equality remains elusive for most if not all institutions and opportunities for women to advance to positions of power and to participate in key decision-making positions and structures remain limited.

As identified in previous reviews and analyses, staff capacity within key justice institutions is also constrained, with limited opportunities for capacity development, outdated learning materials and programmes, and high staff turnover leading to a regular loss of capacity that has been built. Where individual capacity development is provided by justice institutions, it remains largely ad hoc and donor-dependent, with few comprehensive institutional development roadmaps in place to identify what guidelines, procedures, policies, handbooks and systems need to be developed. limited detailed and updated staff capacity development plans are in place to which Government and Development Partners (DPs) can contribute, including human resource development strategies and policies on how to enhance levels of gender equality.



The justice system is a joined-up system, where weaknesses in one part of the system create delays and weaknesses in other parts. The result is, inter alia, congested court roles, delays in finalising cases, witnesses and victims losing interest or lacking resources to attend and return to court, and ultimately (in the case of the criminal justice system) prison overcrowding and the problems associated with it. Supporting coordination and cooperation between the various role players helps to address and reduce such problems, increase efficiency, and ultimately enhance access to justice. Previous attempts to increase coordination, dating back to the introduction of Court User Committees (CUCs) by the Judiciary and the establishment of the Criminal Justice Coordinating Committee (CJCC), under Chilungamo, composed of high-level representatives from the Judiciary, Legal Aid Bureau, Ministry of Justice (DPP), the Police and the Malawi Prison Services, have achieved some success and led to a level of increased coordination at both national and local levels, but require support and to be extended to better included CSOs and village mediators.

This Action recognises that key infrastructure required to ensure access to justice such as courts, police stations (Victims Support Units) and prisons are often dilapidated and ill-equipped to serve users of the system. Police stations lack facilities and resources to cope with the needs of victims, particularly survivors of domestic and sexual violence, child victims, and victims living in the most vulnerable and marginalised situations. To address this, the Malawi Police Service (MPS) has established more than 350 Victim Support Units (VSUs) across the country to provide invaluable ‘one-stop-centre’ services to victims, including psycho-social, legal and medical support. But while rehabilitation of some of these was included under previous Chilungamo program, the need is great and many VSUs continue to require assistance to rehabilitate their facilities. Chilungamo I supported the Judiciary to rehabilitate selected Magistrates Courts, conduct mobile courts and camp courts in prisons, and to conduct court circuits to deal with the backlog of cases including violence against women and children and other vulnerable populations. Nonetheless, many courts in Malawi have deteriorated and struggle to cope with their caseloads or to provide the services and access to justice that citizens require.

Chilungamo I also supported the Legal Aid Bureau and Office of Ombudsman to conduct mobile clinics to increase their outreach and provide advice and assistance to people where they live. Support is thus envisaged under *Specific Objective 2* to further rehabilitate selected courts serving large numbers of people and in most need of repair, as well as to enhance efforts to bring the formal system closer to where people live or are detained through the use of mobile courts and camp courts.

Prisons in Malawi are overcrowded and in ill-repair. Although prison overcrowding is best addressed through support to increased efficiency of courts, alternative sentencing, parole, revision of minimum sentences for comparatively minor offences, and diversion (as dealt with under *Specific Objective 1*, the fact remains that there will always be some level of awaiting trial and sentenced prisoners. Given the state of prisons in Malawi, protection of the rights of prisoners, including women and young prisoners, will remain a challenge for some time. To address this, *Specific Objective 2* envisages support to the rehabilitation of prisons to better serve the needs of inmates and to better comply with international and regional standards related to the rights of those in detention, including when it comes to the rights to nutrition, exercise, reading materials, water, sanitation and hygiene (WASH +).

**Specific Objective 2** Recognising the importance of the informal justice system, Specific Objective 2 (SO2) targets the demand side of justice and includes support to the informal justice system on which most Malawians rely on when seeking justice and the resolution of disputes and complaints. It also includes support to state actors and justice service providers to better respect and protect the rights of users of the justice system, including those in situations of vulnerability, and to raise levels of awareness and understanding of the law and legal processes and to enable citizens to claim their rights in the justice system. As such, SO2 is intended to complement SO1

and increase compliance with the human rights-based approach. It includes awareness raising and education on how the justice system is structured, who is responsible for what, and what rights people have within the system - as complainants, witnesses and victims, and as arrested, detained and accused persons. People also need to know where they can find accessible and no- or low-cost services and justice within the formal system (for example, via the Legal Aid Bureau and VSUs), informal justice system, and from the MHRC in appropriate circumstances. As mentioned under Specific Objective 1, public awareness will also be raised through the inclusion of information on the Police Professional Standards Unit, Inspectorate of Prisons Service and Judicial Service Commission to raise awareness of how-to bring complaints against the Police, Courts and Prisons to support accountability in key criminal justice institution.

Some issues facing users of the justice system are systemic in nature and best addressed through targeted strategic litigation and systemic investigations. For example, torture and inhumane treatment of people in detention, including women and young offenders, are not isolated incidents but indicative of weaknesses in the system where those responsible for perpetrating the offences are able to evade responsibility and accountability. Support is thus included to the MHRC and OoO to identify systemic issues and address them via strategic litigation.

### **1.2.3. Indicative outputs to be funded by this Grant**

The objective during the design of the grant proposal was to define a set of outputs and deliverables that the grant applicants propose to achieve all the expected outcomes of the Chilungamo II Program to improve the humane and effective delivery of justice for all. The outputs are the expected results to be achieved by the Action which all contribute to the outcomes of the Chilungamo II program.

The Action has been designed to be in line with and supportive of all relevant institutional and policies and strategies in Malawi within the access to justice and rule of law sector. The Action is especially relevant and important given the Democratic Governance Sector Strategy, where the MoJ is the lead Ministry.

#### **Output 1.1 Improved knowledge, gender-balance skills and capacities of the key justice institutions:**

This output seeks to strengthen the key institutions under the programme by developing and implementing institutional strengthening roadmaps and capacity development plans and to ensure greater gender-equality and gender-balance within institutions, and to support the human resource departments of key institutions.

Implementation of *institutional development plans* will be based on institutional capacity analyses to determine what procedures, policies, guidelines, handbooks, systems etc. already exist, what needs to be revised and what needs to be developed from scratch, and how gender equality might best be mainstreamed. For example, guidelines for the police, prosecutors and court staff on how to respect and protect the rights of women, children and those living in the most vulnerable and marginalised situations as victims, witnesses and accused persons. Institutional analyses and assessments will also focus on the equipment and other needs of institutions, including when it comes to the rights of women and children (such as the need for specialised courts or simpler solutions such as screens to hide child victims from perpetrators to prevent intimidation). Based on these, each institution will develop clear and cost-effective *institutional strengthening roadmaps* with clearly defined budgets which are funded by this grant.

**Output 1.2. Improved legal and coordination frameworks for key justice institutions:**

The Action will have a pool fund for the Criminal Justice Coordinating Committee (CJCC) to enhance linkages between grant applicants and the informal justice system - including the CSO program providing village mediation and paralegals in places of detention. MoJ will strengthen the technical support for the Democratic Governance Sector (DGS) strategy and the inclusive monitoring of its implementation via Technical Working Groups. The action will also facilitate the establishment and functioning of coordination mechanisms at the local level, such as Court Users' Committees (CUCs), national legal aid coordination committees, etc., involving ministries, judiciary, department agencies, and civil society.

**Output 1.3. Improved capacity of Malawi Prison Services to implement alternative sentences:**

In line with the proposed Correctional Services Bill that, once passed, will shift responsibility for community service to the Malawi Prison Service and refine the parole system - both of which will place additional pressures on Prisons, but both of which are critical to reducing prison overcrowding and its attendant problems.

This output is dependent on the adoption of the new Correctional Service Bill. Once adopted, it is anticipated that responsibility for monitoring those sentenced to community service will shift from the Judiciary to Malawi Prisons Service (MPS) and that a new parole system will be introduced, also falling under the MPS. Such systems require significant human and financial resources, although the extent of these has yet to be measured.

The approach to be followed for this output will be evidence based, preceded by a thorough assessment of the requirements of the new legislation, its impact on MPS, and the institutional and individual capacity needs of the MPS. The assessment will include research into similar systems in the region to determine what works well, what challenges have been encountered and how these have been addressed, the human resource and cost implications for implementation.

MPS will develop a capacity development and roll out plan to pilot the system in selected districts. The grant will also introduce Community Service in three pilot districts. This will involve coordination of stakeholders such as the Judiciary, the community and the others. The MoJ and MPS will continuously monitor those sentenced to community service or released on parole for the duration of Chilungamo II to determine the effectiveness of the system, levels of compliance with the requirements of the community service sentence, reintegration of released prisoners into society, compliance with parole conditions, and rates of recidivism amongst those released on parole.

**Output 1.4. Improved mechanisms and frameworks for enhance accountability in justice institutions:**

Multiple mechanisms exist in Malawi to enhance accountability within justice institutions. These include the Police Professional Standards Unit, Independent Complaints Commission, Inspectorate for Prisons Services, Judicial Service Commission, and the Office of the Ombudsman (OoO). Each institution will develop budgeted institutional development, individual capacity frameworks, resource mobilization strategies, and performance considerations in human resources management practices. Many of the issues facing citizens interacting with the justice institutions point to systemic problems and challenges that are best addressed at a systemic rather than an individual level.

The OoO will identify systemic issues, research their prevalence and where they are most likely to be found, and conduct strategic public interest litigation to address accountability issues in institutions at an organizational and system level.

## **Output 2.1 Improved physical conditions of justice system infrastructure with a gender perspective**

This output acknowledges that much of the criminal justice system infrastructure in Malawi needs repair. It thus includes support to renovation of key infrastructure, particularly Magistrates' Courts, Victim Support Units and Prisons. The Prison Inspectorate in its 2020 to 2021 report found that the physical structures of most of the prisons are in dilapidated state posing a danger to the lives of the prisoners and the prison officers themselves.

A thorough analysis will be conducted of the needs of Malawi Prison Services, the Malawi Police Service and the Judiciary to determine what facilities most urgently need to be rehabilitated to ensure access to justice for users of the services - including but not only to address the needs of women and child victims of SGBV and those living in the most vulnerable and marginalised situations. Based on the results of the analysis, budgeted operational plan for rehabilitation will be drafted.

## **Output 2.2 – Improved capacity to offer legal and paralegal aid and mediation:**

In close coordination and collaboration with the CSO component of the Financing Agreement, this output includes activities and outputs aimed at improving legal and paralegal aid. Within the formal system, support will be provided to the Legal Aid Bureau to increase its provision of legal aid and support prosecutors in the Directorate of Public Prosecutions to prosecute cases of sexual- and gender-based violence and crimes against those living in the most vulnerable and marginalised situations.

Recognising that the rights of all users of the criminal justice system are at risk - those accused of crimes and in detention, as well as victims and witnesses, this output will support the MHRC to play its role in dealing with human rights violations in the system, including tackling systemic violations through targeted strategic litigation. It will also seek to increase the use of camp courts in prisons, mobile courts, and the use of videoconferencing facilities to speed up the resolution of cases (thereby contributing to a reduction in prison overcrowding amongst other things).

OoO will conduct strategic litigation to address systemic accountability issues within justice institutions and MHRC will conduct research and analysis of the justice system, identify weaknesses in the system that lead to systemic violations of rights, and to conduct strategic public interest litigation to protect the rights of victims, witnesses, arrested, accused and detained persons.

MoJ will coordinate and assist the Judiciary, LAB, prosecutors and paralegals provided by the CSO to conduct camp courts in prisons to speed up processes and contribute to the decongestion in prisons. Support will also be provided to the Judiciary and others to conduct mobile courts to clear the backlog of cases including those involving violence against women and children, people with albinism and others living in vulnerable and marginalised situations. MoJ will assist OoO and MHRC to conduct mobile clinics to bring their services closer to where people live and further enhance access to justice and to explore other options for increased outreach using videoconferencing facilities as well as more traditional options such as radio.

## **Output 2.3 – Improved legal awareness and education among the population living in the most vulnerable situations:**

Citizens need to know and understand their rights if they can protect and demand them. Support will thus be provided to increase legal awareness and education among those living in the most vulnerable and marginalized situations - both through targeted campaigns by the awareness pool fund as well as institutional programs executed by Implementing Partners, like awareness raising on the existence and function of VSUs through the Police and support to Legal Aid Bureau, the Office of Ombudsman and MHRC to raise awareness on the functions of their offices and relevant

human rights and women rights. Campaigns will make use of a range of low- and no-cost methods (radio and television call in and discussion programmes, social media, WhatsApp and similar groups, website upgrades and updating) as well as others such as television and radio advertising, billboards, booklets, pamphlets, posters etc. Websites, publications and social media platforms for each institution will also include information on other institutions under the programme, links to their websites and social media platforms, and contact details.

Education campaigns will also include information on how to lodge complaints to the Police Professional Standards Unit, Independent Complaints Commission, Inspectorate of Prisons Service and Judicial Service Commission to enhance accountability in key criminal justice institutions.

#### **1.2.4. Assumptions and Risks**

The successful implementation of the grant and its subsequent delivery depends on a set of assumptions and risks defined during the grant design. The PMU reporting will present an update on risks throughout the grant implementation and will employ a proactive risk management strategy to ensure sound grant management, with particular attention given to quality assurance. The analysis of assumptions and risks is based on the general context of Malawi and issues presented during the grant design. Risks and assumptions will be reviewed, validated, and updated alongside a risk response strategy with actions done/required as part of the PMU Risk Management strategy. Aware of its responsibilities, the PMU will adopt a proactive approach to risk management to ensure successful grant delivery, with particular attention given to quality assurance.

##### **1.2.4.1. Analysis of the Key Assumptions**

<b>ASSUMPTIONS</b>	<b>REASON FOR THE ASSUMPTION</b>
1. Role players in the criminal justice system will remain amenable to coordinating efforts.	Role players in the criminal justice system are very aware of the 'joined up' nature of the system and increasingly appreciate the need to work together to ensure that the entire system functions efficiently and effectively - as evidenced by the creation of the CJCC (with the support of Chilungamo I) and functioning of the CUC's
2. The draft DGSS is followed-up, endorsed, funded and monitored	Revising the DGSS has been ongoing and is still awaiting the President and cabinet's approval. Nonetheless, the MoJ remains the key ministry responsible for the justice sector strategy and will be supported to coordinate and monitor the implementation of the sector strategy by justice institutions falling under Chilungamo II once the strategy is adopted.
3. The Correctional Services Bill passes to introduce a new parole system and role for Prisons in overseeing those sentenced to community service.	The key assumption in this regard is that the relevant legislation will pass during the first year of the implementation. Although the Bill has been delayed for some time and its passage under Chilungamo II remains uncertain, research into how such systems have been implemented in the region, needs assessments of Prisons' staff and other activities have been included in the grant proposal to ensure that the Prisons Service is well-placed to perform its role as soon as the legislation is approved.
4. Trained officials will stay at their job and apply the knowledge.	Many justice institutions suffer from high levels of staff turnover. As a result, the PMU will be responsible for assisting the implementation partners with grant management. In addition, the programme intends to focus on institutional strengthening - putting in place capacity development plans, institutional strengthening roadmaps, guidelines for referrals, etc. - that will remain in place to ensure that new staff is able to implement them even if they have not yet been provided with individual capacity building.

### 1.2.4.2. Risk management

The Risk Register below presents each risk identified during the grant design and proposed mitigating measures.

Risk description	Risk level	Mitigation measures
1. Key policy measures and reforms required are not implemented and current ineffective policies are continued.	Medium	In addition to delays in finalizing the DGS dealt with below, the Correctional Services Bill has yet to be finalized and passed. To mitigate against the risk, support will be provided to Prisons to conduct comparative research into similar parole and community service regimes in the region, identify capacity needs and gaps, and seek to strengthen these so that Prisons' staff is equipped to perform their roles once the legislation is passed. To assist the MoJ to identify additional policy and legislative reforms to enhance access to justice, the programme will support the high-level CJCC to identify gaps and challenges created by existing legislation and policy and how these may be addressed. The Project Steering Committee will be made up of the Principal Secretary of MoJ (Chair) and representatives of all of the six justice institutions that will be able to assist in driving the process of policy and legislative reforms.
2. Ministry of Justice is the coordinating Ministry for the DGS but has capacity constraints and is faced with high levels of staff turnover which may affect implementation of the Action.	Low	The grant design recognizes that MoJ has capacity constraints when it comes to implementing activities and outputs under the grant to the Ministry. To address these constraints, the PMU will be established, with resources to procure additional non-key experts' services, assist the MoJ in implementing the grant, and play its role as the coordinating Ministry for the DGS.
3. Delayed publication of the DGS Policy and Strategy.	Medium	The expectations are relatively high that the DGSS will be revised and adopted since the Grant has been designed to implement the new sector policy. To mitigate against the risk, the PMU will actively assist MoJ in coordinating the development of the new DGSS (or the strategy for the justice sector if that option is chosen) and building the capacity of the relevant institutions to implement the strategy once adopted.
4. Political interference affecting independence of oversight and justice institutions.	Low	Although oversight and justice institutions are underfunded and struggle to comply with their mandates, no major political interference has been experienced with them over the years. Should such a risk arise before, during, or after the elections, the PMU will notify the EUD immediately to ensure that the EUD is able to engage in political dialogue with the government to mitigate any risk.
5. Limited agreement between formal justice institutions to work together or with those in the informal justice system.	Low	Malawian justice institutions in the formal sector have shown increasing understanding that the justice system is chain-linked and that actors need to work together to address inefficiencies and ineffectiveness across the formal system - see, for example, the agreement reached for the establishment of the CJCC and the memorandum of understanding between the Police, OoO, MHRC, Legal Aid Bureau, Prisons, Judiciary and National Initiative for Civic Education developed under Chilungamo. The Grant will specifically seek to create linkages and space for civil society with CUCs and will include research into how the formal and informal systems can work together to enhance access to justice and legal aid and the benefits of increased linkages between the formal and informal systems.
6. Fraud and corruption in procurement.	Low	Malawi has faced corruption scandals in the past related to the use of donor funding. To mitigate the risk, the PMU will ensure that sufficient human and technical capacity is provided to ensure procurement is free from any allegations of misuse of funds and that all government rules and systems are fully complied with. Regular audits will be commissioned, and the

		PMU will provide training to all partner institutions to ensure they comply with rules and requirements.
7. Resistance to increased compliance with gender equality	Low	Malawi is a relatively patriarchal society, and opportunities for women to participate at the decision-making level are limited, at least partly as a result of resistance to change. To address this, PMU will include a strong focus on change management and institutional development roadmaps, and capacity development plans will be developed in close consultation with institutions to ensure that they are brought on board early in the process when it comes to the need to ensure roadmaps and plans include development of gender policies and strategies and that training prioritizes women where possible. A specific pool fund has been designed to implement affirmative actions to improve women's access to justice.
8. Delays in renovations and repairs	Low	Chilungamo I faced lengthy delays once works contracts were included. Works contracts are notoriously difficult to manage, especially if they require buildings to be constructed from scratch. To avoid such problems and delays, the PMU will, in close consultation with the Police, Judiciary and Prisons, seek to identify those VSUs, Courts and Prisons that can be renovated within the programme's lifespan and will avoid any renovations or repairs that require significant input from architects and engineers.
9. Resistance to changes in legal aid and diversion regimes.	Low	New approaches to criminal justice include broadening the definition of legal aid to include suitably trained and accredited CSOs, while many countries are trying to reduce the burden on the formal criminal justice system by diverting minor criminal cases out of the system for mediation by court-linked or accredited mediation service providers at various stages - arrest, before pleading, during trial and even at sentencing. Some resistance to these approaches might be expected, but to minimize the risk, the TA facility will support research into the systems to see what works, what the costs might be, and what benefits can be expected to be gained. All research will contain proposals and recommendations for approval of MoJ and the Steering Committee before anything else is done.

### 1.2.5. Implementation of cross-cutting issues

#### 1.2.5.1. Gender equality and affirmative action for the vulnerable population

Achieving gender equality and eliminating all forms of discrimination in access to justice based on sex are at the heart of this Action. The Action helps to guide the achievement of gender equality by setting a framework for measuring results in gender mainstreaming and targeted gender-specific interventions. The Action includes GAP III indicators and Gender-related Global Europe Result Framework Indicators. Serious gender analysis at the beginning of the implementation and gender-sensitive strategies will lead to the formulation of specific gender outcomes and outputs. A gender audit will also be conducted by MHRC to determine gender balance compliance by public institutions.

This Action prioritises the rights of women and other groups living in the most vulnerable situations by creating opportunities and spaces for women to be protected by the law, to gain knowledge of their rights, access legal aid and to ensure their involvement in decision-making processes. All training and capacity building interventions funded by the grant will be required to be gender balanced, both when it comes to participants and those providing training. The data collected by the digital processes or other processes will be disaggregated minimum by sex. The Action has a specific focus on the needs of women and children, particularly when it comes to victims of Sexual and Gender-Based Violence.

A pool fund for gender equality will be created to design affirmative activities to improve access to justice for women and vulnerable populations. Implementing partners will execute the affirmative actions.

### **1.2.5.2. Human Rights**

The Grant applies the human rights-based approach (HRBA). First, a human rights-based approach specifies the subjects of programming results: the rights-holders and duty-bearers. Furthermore, using a human rights-based approach the outcomes reflect improvement in the performance of, or the strengthened responsibility of, the right-holders and duty-bearers resulting from institutional or behavioural change. Outputs of the Action will close capacity gaps and monitoring the grant should reflect how Action has been guided by human rights principles, such as non-discrimination, participation, and accountability, in the process of reaching results.

Particular attention is given to access to justice, transparency and accountability, socio-economic rights and services, and freedom of information. Support provided to the MHRC to protect human rights through increased capacity in the areas of investigations of human rights abuses, adherence to international human rights instruments and public inquiries on systemic human right issues.

Activities will also improve legal awareness and education of rights holders especially among the population living in the most vulnerable situations. The TA Team and the PMU will also ensure that all relevant international and regional human rights instruments related to access to justice, rights of prisoners, women's rights, and rights of children throughout the criminal and civil justice process, in both the formal and informal systems, are adhered to within available resources.

### **1.2.5.3. Digital Transformation**

Digital transformation in Malawi's access to justice sector involves leveraging technology to improve the efficiency, effectiveness, and accessibility of legal services and the judicial process. This transformation encompasses various initiatives aimed at utilizing digital tools and platforms to enhance legal aid services, streamline court procedures, increase transparency, and facilitate citizens' access to legal information.

So far, isolated digital systems have been developed by different actors in the justice sector, but this Action will support an integrated digital system for the sector together with other Development Partners. Digital transformation in the access to justice sector in Malawi will have the following components:

*Electronic Case Management Systems* to improve the overall efficiency of the judicial process, *Prison Management System* to facilitate the efficient administration of correctional facilities *Legal Information Portals*, and *Public Awareness Campaigns* to raise awareness among the public about the availability of digital tools and resources for accessing justice services, as well as educating them about their legal rights and how to navigate the legal system.

Chilungamo I already designed some of these programs but still needed to be implemented. During the second phase, special attention is given to implementing these systems with the grant and solid technical assistance involvement.

Overall, digital transformation in Malawi's access to justice sector aims to leverage technology to enhance the delivery of legal services, promote transparency and accountability, and ultimately ensure that all citizens have equitable access to justice.

### **1.2.5.4. Disability**

Persons with disabilities will benefit from the Action as it focuses on providing access to justice for all with affirmative actions for persons with disability.



### **1.2.5.5. Democracy**

Equal access to justice for all is a constituent element of democracy and rule of law. This Action aims to empower individuals to meaningfully participate in the legal decisions and processes that affect their lives and by extension, the democratic process.

## **1.3. Methodology**

The methodology of grant design and further implementation involves a series of structured steps to ensure that the grant funds are used effectively and according to the agreed-upon terms. All the activities are designed and will be implemented by beneficiary institutions, and the Action remains flexible and capable of responding to any changes and challenges that might arise during the four years of implementation.

### **1.3.1. Grant Design**

Participatory methods have been used in the grant design, with all grant applicants actively engaged to ensure that the grant meets the needs and priorities of those it aims to serve. Workshops and bilateral meetings have been held to understand each partner's priorities, capacities, and expectations. Effective communication channels have been set up for ongoing dialogue. The Result Framework for the grant has been elaborated by organizing workshop sessions, ensuring that each partner's role is clearly defined and agreed upon.

The grant has been designed to be in line with and supportive of all relevant policies and strategies in Malawi within the access to justice and rule of law sector. The Action is especially relevant and important given the Democratic Governance Sector Strategy, where the MoJ is the lead Ministry.

### **1.3.2. Financial Management**

Effective financial management of this grant is crucial to ensuring accountability, transparency, and the achievement of program objectives. The comprehensive methodology for the financial management of a grant requires that all applicants review the grant agreement to understand all terms, conditions, and requirements, including reporting deadlines and allowable costs.

The Programme Management Unit (PMU) will establish Financial Management Systems to track all financial transactions related to the grant. All applicants will open a separate bank account for grant funds to ensure clear segregation of funds and create a detailed budget that aligns with the grant proposal, the expected outputs, and the agreement.

PMU will develop and document financial policies and procedures to ensure proper internal controls and keep all supporting documentation for expenses, including invoices, receipts, contracts, and payroll records. PMU will also provide a clear audit trail for all financial transactions and prepare regular financial reports comparing expenditures to the budget. Regular financial performance reviews against program goals and objectives will be implemented.

#### **1.3.2.1. Procurement Management**

PMU will support the grant applicants in developing a procurement plan that aligns with the grant requirements and national policies. Incorporating national procurement laws in grant management ensures compliance with legal requirements, promotes transparency, and enhances the efficient

use of resources. PMU will conduct training sessions for applicant's staff members involved in procurement to ensure they understand national laws and grant requirements.

By systematically integrating national procurement laws into a grant's financial management, PMU ensures that procurement processes are legal, transparent, and efficient, enhancing the grant's overall success and sustainability.

#### **1.3.2.2. Funds disbursement for Implementing Partners**

Financial management of the grant will establish a disbursement schedule based on agreed-upon milestones and performance indicators. Funds will be disbursed in tranches and quarterly, tied to the achievement of specific milestones and satisfactory reporting of each IP.

Grant management will be aligned with the fiscal year to ensure budgeting and financial planning consistency. This allows Implementing Partners to create more accurate and comprehensive annual budgets, reflecting both income and expenditure. It also helps manage cash flows more effectively by predicting when funds will be received and disbursed, which is crucial for maintaining liquidity and operational stability. Fiscal year alignment simplifies financial reporting and auditing processes. IPs can prepare consolidated financial statements and reports aligning with the fiscal year, making tracking and reporting on financial activities easier.

Important deadlines of the financial cycle management;

- 28/2 Presentation of the following years' work plan with the budget
- 31/3 End of the fiscal year.
- April Programme Steering Committee approves the following year's work plan
- 31/5 Last day for the presentation of the progress and financial report
- 31/7 Last day to reach annual targets

Use of the "*first come, first served principal*".

PMU will process the annual disbursements in the order they are received. This should work as an incentive for the grant implementer to process the financial and progress reports in time, as it ensures a fair and efficient distribution of funds.

#### **Performance-based disbursements**

PMU will start to disburse quarterly the following year's budget if all the outputs are achieved, and targets are reached. If any of the outputs are not achieved, the Implementing Partner will only receive 50% of the funding for the same output. The remaining disbursements are made once the targets are reached. If the targets are not reached by the end of July, the funds are paid to the pool fund or other Implementing partners according to PMU's proposal, which must be approved by the Programme Steering Committee. This process encourages the team to strive for target achievement and ensures the efficient use of funds.

#### **1.3.2.3. Train Staff of Implementing Partners**

PMU recognizes the crucial role of staff involved in financial management and will provide comprehensive training on the grant's financial policies, procedures, and reporting requirements,

fostering a culture of continuous improvement and professional development in financial management practices.

By diligently following this proven methodology and its Financial Management manual, created by the technical assistance facility, PMU can assure you that the grant's financial management will be effective, transparent, and compliant with all requirements. This, in turn, will support the successful implementation and sustainability of the program.

### **1.3.3. Human Rights Based Approach**

Applying the Human Rights-Based Approach (HRBA) in the grant ensures that human rights principles guide all stages, from design to implementation and evaluation. Four of the grant applicant institutions are duty-bearers, and three accountability institutions represent rights holders. Capacity-building activities for both rights-holders to claim their rights and duty-bearers have been included in the grant proposal to fulfill their obligations. Further, the Technical Assistance facility will conduct a thorough assessment to identify existing barriers to justice, focusing on human rights violations and disparities and platforms created for continuous dialogue and feedback between rights-holders and duty-bearers.

The grant and its technical assistance facility will advocate for legal and policy reforms that promote and protect human rights within the justice system. A legal aid clinic will be established to provide free or affordable legal services to marginalized communities. In general, the grant design has effectively integrated a Human Rights-Based Approach, ensuring that it not only addresses legal and procedural barriers but also promotes and protects the human rights of all individuals, particularly those who are most vulnerable.

### **1.3.4. Result Based Management (RBM)**

Results-based Management (RBM) is a management strategy aiming to change how institutions operate. It helps shift from a logic of resources and activities to a logic of results. This Action is based on a holistic view of the program and will be implemented using the RBM approach. Using RBM means that all applicants ensure that their designed activities, products, and services contribute to achieving the desired results (outputs, outcomes, and higher-level goals or impact) of the Chilungamo II program. Activities will be monitored and evaluated through indicators and milestones with their means of verification, which is critical to obtaining clear signals about the effectiveness of the proposed strategy and the validity of the correlations assumed. Managing effectively for better results requires the flexibility to change strategies and activities when needed. Good management ensures that Chilungamo result matrix is updated at least once a year for annual work plans. The analysis from the M&E will be the basis for corrective decision-making in the Programme Steering Committee (PSC).

The most crucial element of RBM is ensuring that interventions lead to effective development and a positive change in access to justice. This change requires that all the Implementing Partners ensure their grants are commensurate with the results they hope to achieve. The Chilungamo Results matrix will facilitate the assessment of the outcomes at an aggregate level and the monitoring of the progress of individual Implementing Partners.

## **1.4. Implementation strategy**

A direct grant is implemented under direct management with the Malawian Government (Ministry of Justice). The grant is made for an action, proposed to the contracting authority by seven

applicants, which falls within the normal framework of the applicants' activities. All the grant beneficiaries are responsible for implementing the action and owns the results.

Implementing a direct grant through implementing partners requires a structured strategy to ensure that funds are used effectively and aligned with the grant's objectives. Technical assistance facility has developed a comprehensive implementation strategy for PMU that includes milestones, activities, budget, and deadlines and ordered in a logical chain to ensure the greatest possible contribution of value between one activity and another.

After the grant is approved, initial training will be organized for the partner on implementation, grant management, financial reporting, compliance, and M&E requirements. The activities will be monitored and evaluated through indicators and milestones with their means of verification, which is key to obtaining clear signals about the effectiveness of the proposed strategy and the validity of the correlations assumed. The analysis from the M&E will be the basis for corrective decision-making in PSC, and mechanisms will be established for continuous feedback and communication to address challenges and adapt strategies as needed. By following a structured implementation strategy and applying the financial management manual, the PMU can effectively manage direct grants through implementing partners. The financial management manual plays a crucial role in ensuring that funds are used efficiently, and objectives are achieved sustainably. This approach allows the PMU to adapt strategies and address challenges effectively.

#### **1.4.1. Direct disbursements to the grant applicants**

At the beginning, the Programme Steering Committee will approve the Result Framework, in which the Implementing Partners (grant applicants) have identified all their activities, outputs and outcomes, that they will implement during the grant cycle and that will contribute to the Chilungamo II log frame results.

The Programme Management Unit (PMU) stands ready to disburse annual grants quarterly to the Implementing Partners, aligning with the annual work plans and budgets that harmoniously corresponds with the approved Result Framework. The PMU diligently monitors and evaluates the performance of the Implementing Partners, striving to achieve the expected annual targets. PMU will use a performance matrix with the same indicators as the Result Framework to ensure the yearly targets are met. If targets are not met, the PMU, guided by the finance manual rules, will adjust the following annual grant disbursement accordingly, always with the aim of providing the necessary support.

The Technical Assistance facility plays a vital role in supporting the Implementation Partners. Their technical expertise supports the smooth implementation of activities, thereby enhancing the partners' capacity to achieve their annual targets.

#### **1.4.2. Pool Funds**

Most of the grant will be disbursed directly to the seven applicants. Nevertheless, during the design of the direct grant proposals, it became clear that closer coordination is needed in some thematic issues. Therefore, three pool funds were created, which will be implemented jointly by several stakeholders, leveraging applicants' collective resources and expertise.

Pooling funds will increase efficiency and reduce duplication of efforts in awareness-making, gender equality, and organization of the camp courts. Pool Funds will lead to more efficient use

of resources, as activities are well coordinated among the applicants and implemented on a larger scale, creating a more significant impact and opportunities for knowledge sharing and capacity building. Pool funds furthermore involve establishing mechanisms for monitoring and evaluating the use of resources, which promotes transparency and accountability in using grant.

#### **1.4.2.1. Criminal Justice Sector Working Group**

Criminal Justice Sector Working Group Pool Fund will facilitate coordination with the judiciary, LAB, prosecutors, paralegals, and prison management to conduct camp courts, speed up processes, and contribute to prison decongestion. Camp courts require coordinated actions and facilities for judges, lawyers, paralegals, and support staff. Pooling funds can provide the necessary resources to improve the coordination, ensuring camp courts operate efficiently. Pooling funds also support providing legal aid services to prisoners appearing before camp courts who cannot afford legal representation. They ensure that all convicts have access to justice regardless of their financial circumstances, promoting fairness and equity in the legal process.

Pooling funds support monitoring and evaluation efforts to assess camp courts' effectiveness and identify areas for improvement. This can ensure accountability and transparency in the use of resources and enable stakeholders to make evidence-based decisions about allocating funds and resources most effectively. Pooling funds play a crucial role in improving the organization of camp courts by providing the necessary resources, capacity building, and support services to ensure that they operate effectively and uphold the rule of law for prisoners. Members of this pooled fund will create an annual work plan for the camp courts and prepare needed legal documents for them. The fund partially costs these activities.

#### **1.4.2.2. Gender Equality and support for the vulnerable population**

Gender equality remains elusive for most if not all institutions and women and vulnerable population have difficulties to get access to justice. The Implementing partners of this pool fund will design common affirmative actions to improve the access to justice for women and vulnerable groups. The common implementation of these affirmative actions will be funded by the pool.

Affirmative actions to promote access to justice for women and vulnerable populations can include legal aid programs specifically tailored to the needs of women and vulnerable populations. These activities can provide free or low-cost legal assistance, representation, and advice to individuals who cannot afford legal services. It can also offer training programs for judges, lawyers, and other legal professionals on gender-sensitive and trauma-informed approaches to working with women and vulnerable populations. This can help ensure legal professionals have the knowledge and skills to effectively represent and support these groups.

It can advocate for policy and legal reforms aimed at addressing systemic barriers to justice for women and vulnerable populations. This can include reforms to laws and policies related to family law, inheritance rights, property rights, and discrimination, as well as measures to strengthen enforcement mechanisms and improve access to justice within the legal system. Pool fund support adapts intersectional approaches that recognize the multiple and intersecting forms of discrimination and disadvantage faced by women and vulnerable populations. This involves addressing the unique challenges faced by women and vulnerable populations based on factors such as gender, race, ethnicity, religion, disability, sexual orientation, and socioeconomic status.

Implementing these affirmative actions, the direct grant can help promote access to justice for women and vulnerable populations, address systemic inequalities within the legal system, and ensure all individuals have equal rights and opportunities to seek justice and protection under the law.

#### **1.4.2.3. Legal Awareness of the right holders**

This pool fund will be implemented by the accountability institutions (Legal Aid Bureau, the Office of Ombudsman) and police service to raise awareness on the legal rights of the right holders. All the accountability institutions implemented awareness activities of the functions of their offices and on relevant human rights and women rights, but the pool fund will support common awareness campaigns of the general legal rights of the population and will be implemented by all the pool members.

These awareness campaigns include messages on how to access services provided by the MHRC, OoO, VSUs and LAB and the roles and functions of other justice institutions. Based on an assessment of what materials already exist in printed form and on websites, and an assessment of the degree to which justice institutions make use of other public education methods including workshops, radio and television and social media. Pool Fund will support the VSU, LAB, OoO and MHRC to develop and deliver public education campaigns on human rights, women's rights, child rights and the rights of vulnerable populations, and to raise awareness of their roles and functions and how to access the services they provide. Campaigns will make use of a range of low- and no-cost methods (radio and television call in and discussion programmes, social media, WhatsApp and similar groups, website upgrades) as well as others such as television and radio advertising, billboards, booklets, pamphlets, posters etc. Websites, publications, and social media platforms for each institution will also include information on other institutions under the programme, links to their websites and social media platforms, and contact details. Education campaigns will also include information on how to lodge complaints to the Police Professional Standards Unit, Independent Complaints Commission, Inspectorate of Prisons Service and Judicial Service Commission to enhance accountability in key criminal justice institutions.

Pooling funds allow larger-scale awareness campaigns to be conducted, reaching a wider audience across different districts. This increased reach can ensure that more individuals, including women and vulnerable populations, are informed about their legal rights and how to access justice. It also leads to synergistic efforts where applicants leverage each other's strengths, resources, and networks to maximize the impact of awareness campaigns.

Overall, pooling funds for awareness-raising campaigns for access to justice can amplify the impact of individual initiatives, foster collaboration, and coordination among stakeholders, and contribute to positive changes in legal awareness, attitudes, and behaviors within communities.

#### **1.4.3. Indicative action plan for implementing the action**

An indicative action plan for implementing a grant with several implementing partners involves careful coordination and detailed planning. The overall goal has been broken down into specific, measurable objectives that each implementing partner will contribute to achieving, and a comprehensive list of activities has been created to achieve each objective and ensure synergy among partners.

The template provided below helped create an effective indicative action plan that ensures coordinated, transparent, and efficient grant implementation with multiple partners.

Table: Indicative action plan for implementing the action

Year 1													
Action Plan	Half-year 1						Half-year 2						Implementing Partners
Activity	1	2	3	4	5	6	7	8	9	10	11	12	
PMU is established and personnel is hired													MoJ
Implementing Partners will present their annual work plans													All IP's
Measurable targets will be established for all the activities													PMU and all IP's
PMU will disburse the first payment of the grant													PMU
Implementing Partners design their M&E tools													All IP's
Design, development and implementation of institutional strengthening roadmaps and related capacity development plans for all the Implementing Partners													All IP's + TA + PMU
Creation of the 3 pool funds, development of their work plan and start of the implementation													All IP's + PMU
Design and development of gender equality plans and viable strategies to increase the representation and participation of women in the justice institutions.													All IP's + PMU + TA
Implementation of gender equality plans and viable strategies to increase the representation and participation of women in the justice institutions.													All IP's
Prioritization of legal and coordination frameworks to be further developed and strengthened.													All IP's

Implementation of the activities designed by legal and coordination frameworks for key justice institutions													Judiciary + MoJ + LAB
Implementation of the three pillars of correctional services, parole and community services.													Prison Service + MoJ + Judiciary
Handling of public interest litigation cases and system investigations of public offices.													OoO
Strengthening of accountability and internal control mechanisms in public justice institutions													Judiciary, MoJ, Police Service, Prison Management, OoO PMU
Assessment of the demand of the digitalization of internal processes of Beneficiary Institutions.													All IP's
Digitalisation of internal processes across the targeted public justice institutions and their harmonisation.													
Prioritization of the prison facilities to be renovated.													
Rehabilitation of selected prisons' facilities													
Assessment of the new Victim Support Units													
Rehabilitation of Victim Support Units													
Assessment of rehabilitation of magistrate Courts													
Rehabilitation of Magistrate Courts													
Prosecution of cases, in particular for those living in the most vulnerable and marginalised situations, such as cases concerning persons with albinism and Sexual Gender Based Violence.													Director of Public Prosecution
Development of strategic litigations													MHRC



Design of common out-reach activities of the targeted Justice institutions													
Implementation of common out-reach activities of the targeted Justice institutions													

For the following years: 2025 – 2027										
Activity	3	4	5	6	7	8	9	10	Implementing Partners (BIs)	
Implementation of the institutional strengthening roadmaps and related capacity development plans for all the Beneficiary Institutions										
Implementation of gender equality plans and viable strategies to increase the representation and participation of women in the justice institutions.										
Implementation of the activities designed by legal and coordination frameworks for key justice institutions										
Implementation of the three pillars of correctional services, parole and community services.										
Handling of public interest litigation cases and system investigations of public offices.										
Strengthening of accountability and internal control mechanisms in public justice institutions.										
Digitalisation of internal processes across the targeted public justice institutions and their harmonisation.										
Rehabilitation of selected prisons' facilities										

Rehabilitation of Victim Support Units									
Rehabilitation of Magistrate Courts									
Prosecution of cases, in particular for those living in the most vulnerable and marginalised situations, such as cases concerning persons with albinism and Sexual Gender Based Violence.									
Development of strategic litigations									
Implementation of common out-reach activities of the targeted Justice institutions.									

#### **1.4.4. Technical Assistance for the Grant implementation**

Implementing partners will have technical assistance to implement their annual plans from the Programme Management Unit and Technical Assistance Facility.

##### **1.4.4.1. Direct Grant Management Structure**

The Project Management Unit (PMU) will be established to provide technical assistance and support for the implementation of all activities related to the Implementing Partners. The Direct Grant will fund the PMU for the MoJ, and its office will be set up at the MoJ. The PMU will consist of at least four staff members, amongst which positions are programme manager, financial manager, M&E, and Finance officers.

Functions of the PMU staff members:

##### **1) Programme Manager**

The Programme Manager will provide overall operative, management and technical guidance to ensure the achievement of Programme objectives and delivery of outputs. They will also offer technical and administrative support to guide the Programme actions and outputs, fostering a collaborative environment under the guidance and in close collaboration with the Team Leader and the European Union.

##### **2) Finance Manager**

The Finance Manager will play a crucial role in providing strategic financial leadership in the implementation of Direct Grant actions for the Programme. Their timely preparation of accurate financial statements in accordance with consistently applied accounting standards acceptable to the Malawi Government and the EU will be instrumental in the success of the Direct Grant.

##### **3) Monitoring and Evaluation Officer**

Ensure effective monitoring, evaluation, and learning processes within the Chilungamo II Program. Responsible for designing and implementing M&E activities, Developing M&E Framework, Reporting, Capacity building, Learning and knowledge management, collecting and analyzing data, and providing insights to support evidence-based decision-making.

##### **4) Finance Officer**

Provide finance functions in developing and delivering effective and efficient finance and administration services to the Programme's Direct Grant actions by ensuring proper planning, managing, and controlling accounting and financial information.

##### **1.4.4.2. Provision of Technical Assistance to the Action**

The Project Management Unit (PMU) will be established to provide technical assistance and support the implementation of all activities of the grant management. The Direct Grant will fund the PMU and will consist of at least four staff members, amongst which positions in program management, financial management, and M&E are envisaged.

The inclusion of a separately funded technical assistance (TA) facility is already in place and will be managed by the PMU and will help to ensure the grant is able to respond quickly to any new and emerging issues and challenges and that it remains flexible and adaptable over the life of the programme. In addition to the innovative ways of ensuring that the significant levels of training required by grant implementors are addressed in the most efficient, cost-effective and sustainable manner.

In line with the Problem-Driven Iterative Adaptation approach, the TA facility and the PMU will ensure that lessons learned during implementation of one activity are internalized and activities and approaches adapted to address problems, that local solutions to local problems are found and included, and that pilot activities are used where appropriate to try solutions and learn from their implementation and results. TA Key Expert – Team Leader provides technical assistance and support to implement all of the activities and outputs included in the grant.

#### **1.4.5. Monitoring**

PMU will organize an effective Monitoring and Evaluation (M&E) for grant management, ensuring that grant objectives are met, resources are used efficiently. A Result Framework has already been designed by the applicants with the support of the technical assistance facility to define the objectives of the grant and the specific outputs and targets that implementing partners aim to achieve. SMART (Specific, Measurable, Achievable, Relevant, Time-bound) indicators have been created to track progress and measure success, providing a clear path to success.

The Program Management Unit (PMU) will harmonize its data collection with Implementing Partners' systems. Gender equality and the human rights-based approach will be mainstreamed into the monitoring and evaluation of the project and indicators will be sex-disaggregated and disaggregated by other relevant aspects whenever possible (e.g. age, disability).

At the beginning of the implementation, PMU will develop an M&E plan that accompanies the Chilungamo results matrix. The M&E plan is used to systematically plan the collection of data to assess and demonstrate progress made by Implementing Partners in achieving expected results. The M&E plan highlights mechanisms or modalities for monitoring the achievement of outputs and contribution toward achieving outcomes. The M&E plan also incorporates some elements of the results matrix, such as indicators, baseline targets, and means of verification. In addition, the M&E plan will elaborate on the methods to be used and their frequency and responsibility. An M&E plan will ensure that performance information is collected regularly, allowing PSC to make real-time, evidence-based decisions. The plan is developed together with the Implementing Partners to ensure that it is realistic and feasible. *The Chilungamo results matrix* and the M&E plan are the PMU's key monitoring tools. They outline expected results, indicators, baselines, and targets against which change is monitored. The results matrix will help the PMU stay focused on the expected achievements of Implementing Partners of the Action. The Chilungamo results matrix will be used as an aid for M&E, providing parameters for which results to measure and to account for valid targets, baselines, and means of verification.

##### **1.4.5.1. Regular Reporting**

The day-to-day technical and financial monitoring of the implementation of this Action will be a continuous process, and part of the implementing partner's responsibilities, which is supported by Program Management Unit (PMU). To this aim, the Implementing Partners shall establish a permanent internal, technical and financial monitoring system for the Action and elaborate annual progress reports

and final reports. Every report shall provide an accurate account of implementation of the Action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators. PMU will foster a culture of continuous improvement, using M&E insights to enhance project effectiveness and efficiency.

Monitoring reports helps the Programme Steering Committee (PSC) to understand where the program is in relation to the results planned, to track progress (based on intended results and agreed indicators), and to identify issues and analyse relevant information and reports that become available as implementation occurs. The PMU also monitors to fulfil accountability requirements, communicates, reviews, and reports results to Implementing Partners, adjusts approaches to implementation if necessary, and informs PSC decision-making. Monitoring feeds into the evaluation and real-time learning. With a structured approach to M&E in grant management, PMU can ensure that the grant's implementation is effective, transparent, and accountable, leading to expected outcomes.

#### **1.4.6. Evaluation**

A mid-term evaluation will be carried out for this Action via independent consultants contracted by the Commission. The mid-term evaluation will be carried out to solve problems, realign activities for the following years, and make any necessary adjustments based on the findings. The Commission shall inform the Implementing Partners at least one month before the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts and, among other things, provide them with all necessary information and documentation and access to the project premises and activities.

The mid-term evaluation will provide the Programme Steering Committee with evidence and objective performance information to make informed decisions and improve strategic planning. Credible assessments and using them to make informed decisions are critical when managing results to enhance development effectiveness. The focus is on what works, why, and in what context. Decision-makers use evaluations to make necessary improvements and adjustments to the implementation approach or strategies and to decide on alternatives. Evaluation services may be contracted under a framework contract.

#### **1.4.7. Sustainability of the action**

For sustainability, Action must fall within the standard framework of the applicants' activities. Grant beneficiaries are responsible for implementing the Action and achieving their results. Applying the Results-Based Management (RBM) approach also helps shift from a logic of resources and activities to sustainable results. Using RBM means that all applicants ensure that their designed activities, products, and services contribute to achieving the desired results and not fund just operative activities with tangible and sustainable results. The most crucial element of RBM is ensuring that interventions lead to effective development and a positive change in access to justice.

The grant management will be accompanied by Technical Assistance (TA facility), which adds value to the grant implementation by providing knowledge and skill transfer, institutional strengthening, and individual capacity building. TA facility aims to ensure ongoing and lengthy sustainability and increase the potential for long-term impact in the future of the Action. The development of human resource management practices and justice sector infrastructure will also remain in place beyond the life of the current Action. It will continue contributing to better court management, human resource management,

and more accessible justice and democratic accountability mechanisms and institutions. In addition, all training and other capacity-building initiatives will be built on the needs and gaps identified by grant implementers. Training will address them by ensuring ownership of the training, participation in training events, and greater sustainability of results and benefits.

The success of these outputs will largely depend on the holding of the assumptions that the political environment will continue to be conducive for increased accountability of justice institutions, the relevant authorities continue mass public awareness on the legal services and aid and the relevant institutions avail sufficient resources to maintain the digitalised processes and platforms. At the same time, the increased demand arising by more empowered citizens and by a better and more accessible delivery of justice services will be sustained by an improved institutional framework and supported by strengthened justice institutions. Awareness raising, and education of the Malawian population as right holders is critical to contribute to and support the implementation of the strategy and its sustainability. In the absence of a sensitised civil society, it is not possible to ensure accountability and implement sustainable and scalable action especially on the demand side of the justice interventions.

The Action will also support the development of relevant legislations and policies and the institutional strengthening of all the relevant justice institutions to support their implementation and enforcement.

#### **1.4.8. Audit and Verification**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this Action, the Commission may, based on a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

#### **1.4.9. Logical Framework**

The Chilungamo II program encompasses three major components. This Direct Grant is one of the Program's three components and supports justice institutions in implementing the activities and delivering outputs agreed upon in the Direct Grant Logframe (attached) envisaged under the Chilungamo Programme. The second component is the TA facility, which will assist the Ministry of Justice (MoJ) establish a Programme Management Unit (PMU) for this grant. The Facility will also help the MoJ and other justice sector grant beneficiaries to implement the grant. The TA Facility will also support the PMU in overseeing the grant implementation. Lastly, the Programme includes a CSO component to support activities related to the relevant results of Output 2.2 and 2.3 in the Programme log frame, which the EU will directly manage. These components, detailed below, form a comprehensive plan that ensures the smooth and efficient execution of the Program, thereby instilling confidence in its success.

- Component A (Direct Grant): A direct grant to the Ministry of Justice to implement various activities towards the Specific Objectives agreed in this proposal and presented in direct grant logframe.
- Component B (TA Facility): Provision of Technical Assistance to the Access to Justice Programme – Chilungamo II to provide a Key Expert (with the assistance of non-key experts) to assist the MoJ in establishing a PMU that will, in turn, assist the MoJ to implement all activities and outputs falling under the grant to the MoJ.
- Component C (CSO component): A separate grant to be awarded to a CSO under a call for proposals to contribute to two Outputs under Specific Objective 2 in the Chilungamo II Programme log frame.

The logical framework of the Chilungamo II (attached) will be updated at the beginning of the implementation, establishing any new quantitative indicators for achieving the program results. This Grant will contribute to that framework. For this direct Grant, the TA has supported the lead and co-applicant in creating a Result Framework Matrix (attached), which is based on the results of the Chilungamo II framework to ensure that all the activities and outputs financed with the Grant will contribute to the main log frame outputs of Chilungamo II. This will ensure that the applicant will work for the expected results and contribute to the Programme Objectives with the other Chilungamo II program components.

At the end of the Action, an end-line survey will measure the program's achievements against the baseline data, which is under construction and will be ready before the implementation starts.

#### **1.4.10. Budget, amount requested from the contracting authority and other expected sources of funding**

The budget for the Grant (contributing to all outputs of the Action) is € 8 300 000.

#### **1.4.11. Lesson Leant and Best Practices**

The Action builds on previous interventions in the justice sector (Chilungamo I) and will continue to support justice reforms that aim at long-term and sustainable solutions to systemic issues with accessibility and effectiveness of key justice institutions. A major lesson on previous interventions was that support to institutions to implement their mandates alone would not lead to the desired increase in access to justice, and that coordination between institutions needed to be strengthened. Based on these lessons, a concerted effort to adopt a more holistic approach to access to justice and to enhance coordination between institutions. To that end, pool funds has been created to support the Criminal Justice Coordinating Committee (CJCC), Gender Equality and vulnerable population (affirmative actions) and Awareness Campaigns among the accountability institutions.

The current programme seeks to enhance ownership, providing funds directly to Implementing Institutions (formerly Beneficiary Institutions) who plan and implement their own activities under the overall coordination of the Programme Management Unit.

Chilungamo II will build on previous assessments and recommendations under previous Chilungamo Programme and include new assessment and analysis as required prior to the development and implementation of individual capacity development and institutional development plans with a key focus on gender equality.

**Table 2: Experience in similar actions in the past 3 years** (Maximum 1 page per action)

<b>Name of the organisation: Ministry of Justice</b> <b>Lead applicant</b> <input checked="" type="checkbox"/> <b>Co-applicant</b> <input type="checkbox"/> <b>Affiliated entity</b> <input type="checkbox"/>					
<b>Project title: Chilungamo (Justice and Accountability) Programme</b>			<b>Sector: Democratic Governance</b>		
<b>Location of the action</b>	<b>Cost of the action (EUR)</b>	<b>Role: coordinator, co-beneficiary, affiliated entity</b>	<b>Donors to the action (name)<sup>3</sup></b>	<b>Amount contributed (by donor)</b>	<b>Dates (from.to) dd/mm/yyyy</b>
All 28 districts in Malawi	13,055,607.11	Supervisor of the Programme	EDF 11	13,055,607.11	1 <sup>st</sup> August 2017 to 31 <sup>st</sup> January 2023
<b>Objectives and results of the action</b>		<p>The <b>overall objective</b> of Chilungamo Programme is to contribute to dignified life through accountable Government, informed democratic choice, and humane and effective delivery of justice.</p> <p>The programme has two specific objectives, each with its own key results:</p> <p><b>Specific objective 1:</b> To strengthen democratic governance and enhance the ability of citizens, accountability institutions, and civil society to demand transparency and hold duty-bearers to account.</p> <ul style="list-style-type: none"> <li>○ Key Result 1: Enhanced democratic processes through support to key actors including national institutions.</li> <li>○ Key Result 2: Capacity of citizens, civil society and accountability bodies to demand transparency and accountability from duty bearers is enhanced.</li> </ul> <p><b>Specific objective 2:</b> To increase access to justice for all, especially women and the poor.</p> <ul style="list-style-type: none"> <li>○ Key Result 3: Coordination within the criminal justice system is improved.</li> </ul>			

<sup>3</sup> If the donor is the European Union or an EU Member State, please specify the EU budget line, EDF or EU Member State



- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>○ Key Result 4: Access to civil and criminal justice for vulnerable groups in both the formal and informal systems is increased.</li></ul> |
|--|--|

## 2. The lead applicant, the co-applicants

The Ministry of Justice is the lead applicant of this proposal, and the following institutions are co-applicants: The Legal Aid Bureau, Malawi Police Services, Malawi Human Rights Commission, Malawi Prison Services, Office of the Ombudsman, and the Judiciary. The Ministry of Justice (MoJ) is the lead policyholder on all legal matters and obligations under international treaties. MoJ is also the coordinating Ministry for the Democratic Governance Sector. The co-applicants are Judiciary, Malawi Police Service, Legal Aid Bureau, Prison Service, Malawi Human Rights Commission and Office of the Ombudsman.

The Judiciary plays a crucial role in accessing justice as it has jurisdiction over all issues of a judicial nature. The Malawi Police Service is the first point of contact for the most vulnerable people seeking justice. Legal Aid Bureau (LAB) was established as an independent body under the Legal Aid Act (2010) and played a significant role in access to justice by providing legal aid to the vulnerable and facilitating access to the formal justice system. Malawi Prison Services' (MPS) mandate is to house, detain, and rehabilitate persons sentenced to imprisonment in whatever form such imprisonment may take. The Malawi Human Rights Commission (MHRC) is a critical player in holding the government to account for its commitments under international instruments and holding duty bearers to account for the promotion and protection of human rights. The constitutional and independent Office of the Ombudsman (OoO) is tasked with investigating all cases of injustice.

<b>Name of the lead applicant</b>	Ministry of Justice (Malawi)
EuropeAid ID	
Country and date of registration <sup>4</sup>	Malawi
Legal entity file number <sup>5</sup>	
Legal status <sup>6</sup>	<b>Profit-Making</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>NGO</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Co-applicants</b>	
Name of the co-applicant	Legal Aid Bureau (LAB)
EuropeAid ID	
Nationality/ Country and date of registration	Malawi
Legal entity file number (if available)	
Legal status	<b>Profit-Making</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>NGO</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of the co-applicant	Malawi Police Service

<sup>4</sup> For organisations.

<sup>5</sup> If the applicant has already signed a contract with the European Commission.

EuropeAid ID	
Nationality/ Country and date of registration	
Legal entity file number (if available)	
Legal status	<b>Profit-Making</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <b>NGO</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
Name of the co-applicant	Malawi Human Rights Commission (MHRC)
EuropeAid ID	
Nationality/ Country and date of registration	
Legal entity file number (if available)	
Legal status	<b>Profit-Making</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <b>NGO</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
Name of the co-applicant	Malawi Prison Service
EuropeAid ID	
Nationality/ Country and date of registration	
Legal entity file number (if available)	
Legal status	<b>Profit-Making</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <b>NGO</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
Name of the co-applicant	Office of the Ombudsman
EuropeAid ID	
Nationality/ Country and date of registration	
Legal entity file number (if available)	
Legal status	<b>Profit-Making</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <b>NGO</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
Name of the co-applicant	Malawi Judiciary
EuropeAid ID	
Nationality/ Country and date of registration	Malawi
Legal entity file number (if available)	
Legal status	<b>Profit-Making</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <b>NGO</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>

### 3.Declarations

#### 3.1. Declaration by the lead applicant (full application)

The lead applicant, represented by the undersigned, being the authorised signatory of the applicant, in the context of the present call for proposals, representing any co-applicants in the proposed action, hereby declares that

- i. the lead applicant has the sources of financing specified in Section 2 of the guidelines for applicants;
- ii. the lead applicant has sufficient financial capacity to carry out the proposed action or work programme;
- iii. the lead applicant certifies the legal statutes of the lead applicant, of the co-applicants as reported in part 3, 4, and 5 of this application;
- iv. the lead applicant, the co-applicants have the professional competences and qualifications specified in Section 2 of the guidelines for applicants;
- v. the lead applicant undertakes to comply with the obligations foreseen in the affiliated entities statement of the grant application form and with the principles of good partnership practice;
- vi. the lead applicant is directly responsible for the preparation, management and implementation of the action with the co-applicants and affiliated entities), if any, and is not acting as an intermediary;
- vii. if the requested amount is above EUR 15 000 the lead applicant, the co-applicants and the affiliated entities must fill in and sign a declaration on honour (PRAG Annex A14) certifying that they are not in any of the situations excluding them from participating in contracts which are listed in Section 2.6.10.1. of the practical guide (available from the following internet address: <https://wikis.ec.europa.eu/display/ExactExternalWiki/2.+Basic+rules>). Furthermore, it is recognised and accepted that if the lead applicant, co-applicants participate in spite of being in any of these situations, they may be excluded from other procedures in accordance with the Financial Regulation in force;
- viii. the lead applicant and each co-applicant is in a position to deliver immediately, upon request, the supporting documents stipulated under Section 2.4 of the guidelines for applicants;
- ix. the lead applicant and each co-applicant are eligible in accordance with the criteria set out under Sections 2.1.1 of the guidelines for applicants; if recommended to be awarded a grant, the lead applicant, the co-applicants and the affiliated entities accept the contractual conditions as laid down in the standard grant contract annexed to the guidelines for applicants (Annex G) (or the Contribution Agreement, where applicable).

These are the sources and amounts of Union funding received or applied for the action or part of the action or for its functioning during the same financial year as well as any other funding received or applied for the same action

<list source and amount and indicate status (i.e. applied for or awarded)>

The lead applicant is fully aware of the obligation to inform without delay the contracting authority to which this application is submitted if the same application for funding made to other European Commission departments or European Union institutions has been approved by them after the submission of this grant application.

We acknowledge that if we participate in spite of being in any of the situations listed in Section 2.6.10.1 of the practical guide or if the declarations or information provided prove to be false we may be subject to rejection from this procedure and to administrative sanctions in the form of exclusion and financial penalties up to 10 % of the total estimated value of the grant being awarded and that this information may be published on the Commission website in accordance with the Financial Regulation in force. We are aware that, for the purposes of safeguarding the EU's financial interests, our personal data may be transferred to

internal audit services, to the early detection and exclusion system, to the European Court of Auditors or to the European Anti-Fraud Office.

Signed on behalf of the lead applicant (MoJ)

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**Name:**

**Position:**

**Signature:**

**Date and place:**

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### **3.2. Mandate for co-applicants**

**Important: This application form must be accompanied by a signed and dated mandate from each co-applicant, in accordance with the template provided below.**

The co-applicant authorises the lead applicant – Ministry of Justice - to submit on its behalf the present application form and to sign on its behalf the standard grant contract (Annex G of the guidelines for applicants) (or a Contribution Agreement, where applicable) with the European Commission (contracting authority), as well as, to be represented by the lead applicant in all matters concerning this grant contract.

I have read and approved the contents of the proposal submitted to the contracting authority. I undertake to comply with the principles of good partnership practice.

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**Name:**

**Organisation:**

Legal Aid Bureau  
(LAB)

**Position:**

**Signature:**

**Date and place:**

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**Name:**

**Organisation:**

Malawi Police  
Service

**Position:**

**Signature:**

**Date and place:**

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**Name:**

**Organisation:**

Malawi Human  
Rights Commission  
(MHRC)

**Position:**

**Signature:**

**Date and place:**

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**Name:**

**Organisation:**

Malawi Prison  
Service

**Position:**

**Signature:**

**Date and place:**

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**Name:**

**Organisation:**

Office of the  
Ombudsman

**Position:**

**Signature:**

**Date and place:**

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**Name:**

**Organisation:**

Judiciary

**Position:**

**Signature:**

**Date and place:**

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